

REPORT AND DECISION ON THE APPLICATION OF MTV ASSOCIATES  
FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS  
GENERAL LAWS (TER.ED.) CHAPTER 121A, AS AMENDED, AND CHAPTER 652  
OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED  
PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109,  
AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP  
UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on November 10, 1977, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by MTV Associates (hereinafter called the "Applicants"), for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), and for consent to the formation of a Chapter 121A limited partnership under the name MTV Associates for the purpose of undertaking and carrying out the Project, due notice of said hearing having been given previously by publication on October 25, 1977, and November 1, 1977, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Robert L. Farrell, Chairman of the Authority and James G. Colbert, James Cofield, James K. Flaherty and Joseph J. Walsh, members of the Authority, were present throughout the hearing.



B. The Project. The Project consists of acquisition and rehabilitation of the Mount Vernon Church and Parsonage, 490-492 Beacon Street, Boston. The Church will be converted to office and retail space, the general concept being to put parking in the basement, retail shops and a restaurant on the ground floor, offices on the Beacon Street and Charles River ends, and a sky-light atrium in the center. The parsonage will be converted to six apartment units (4 three-bedroom and 2 two-bedroom).

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing, and additional statements submitted subsequent to the hearing.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, rehabilitation, operation and maintenance of a decent, sanitary and safe residential building and office and retail space, as described above, which are in the public interest and for the operation and maintenance of such buildings and facilities after construction.

D. Project Area Substandard and Decadent. The Authority hereby finds that the Project Area, that parcel of land situated at the northeasterly corner of the intersection of Massachusetts Avenue and Beacon Street in Boston, Suffolk County, Massachusetts, now known as and numbered 490-492 Beacon Street and bounded and described on Page 2 of the Application, is a decadent and/or substandard area within the meaning of Section 1 of Chapter 121A..In particular, the Authority finds that on the basis of evidence submitted at the hearing



the Mount Vernon Church and Parsonage are out of repair, physically deteriorated or dilapidated, unfit for human habitation, or obsolete and therefore detrimental to the safety, health, morals, welfare and sound growth of the community. The Church, built in 1891, has been vacant for five years. It has been severely vandalized, including the stealing of piping and plumbing fixtures and is in the process of rapid deterioration. The landscaping is totally overgrown and uncared for.

It is improbable that the conditions causing the present blight and deterioration would be remedied by the ordinary operations of private enterprise. These conditions and other factors referred to in the Application and this Report and Decision warrant the carrying out of the Project in accordance with Chapter 121A, and the proposal constitutes a "Project" within the meaning of that statute. The Project will provide substantial financial return to the City of Boston.

The Authority hereby grants the Applicants exemptions from property taxation for a total of twenty (20) years.

Chapter 121A, as amended by Chapter 827 of the Acts of 1975 provides a base period of 15 years. Chapter 121A further authorized the Authority to grant such additional periods between 15 and 40 years, based upon the amenities established or to be established in the Project Area. On September 9, 1976, the Authority amended its rules and regulations and set forth the basis upon which the Authority would consider various amenities to be incorporated within any project.



The Authority's decision to grant a five (5) year extension to the base period of fifteen (15) years is based on consideration of the Applicants request for three consecutive extensions of exemption of ten, ten and five years respectively and a finding that a five (5) year extension is warranted in accordance with the Rules and Regulations of the Authority.

Exhibit E of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the forty (40) calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, Section 10. Exhibit E is attached only for illustrative purposes and the approval of this Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit E.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$1,600,000. The Applicant will contribute the equity requirements of the Project, and the remaining capital requirements will be provided by



institutional mortgage financing. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership called MTV Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be rehabilitated under the Project has been reviewed by the Design Review Staff of the Authority and is subject to further Design Review. The Authority finds that such rehabilitation will enhance the general appearance of the Area and furnish attractive and necessary living accommodations and retail and office space. The location proposed is excellent, having ready access to public transportation.

The carrying out of the Project will not in itself involve the destruction of any existing structures. The building involved in the Project involves no dislocation of any persons from their apartments.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:



1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.



12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value. The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project, as set forth in Exhibit D filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Acts of 1960, as amended.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.



The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500' of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Exhibit C filed with and attached to the Application lists requested Zoning and Building Code Deviations. The Authority denies each and every deviation sought from the Massachusetts State Building Code. However, for the reasons set forth in the Application and supporting documents, including said Exhibit C, and on the basis of the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the zoning deviations hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary, the Zoning Deviations which are granted are as follows:

BOSTON ZONING CODE

DISTRICT H-5-70

<u>Section</u>	<u>Title</u>	<u>Deviation Granted</u>
8-7 Table A	Use Regulations	To allow following uses otherwise forbidden in the District: No. 34 Retail business No. 35 Department store No. 37 Eating Place No. 38 Motion Picture Theatre No. 41 Office Building
8-7 Table A	Use Regulations	Permit for conditional use for professional office.
6-3A	Restricted Parking District	Permit for conditional use for off-street parking facility.
23-9	Design of Parking Spaces	To allow smaller parking spaces for smaller cars.



## MEMORANDUM

FEBRUARY 2, 1978

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT F. WALSH, DIRECTOR

SUBJECT: MTV ASSOCIATES 121A REPORT AND DECISION

On January 19, 1978, the Authority considered the attached Report and Decision on the Application of MTV Associates for authorization and approval of a Project under Massachusetts General Laws, Chapter 121A as amended. Since there is some question of whether a majority of a quorum voted approval at that meeting, the Report and Decision is resubmitted at this time. A memorandum dated January 19, 1978 and the Fact Sheet for MTV Associates are attached for informational purposes.

It is therefore recommended that the Authority adopt the attached Vote and Report and Decision on the Application of MTV Associates.

Attachment



# Boston Redevelopment Authority

Robert F. Walsh, Director

January 19, 1978

Robert L. Farrell, Chairman  
Boston Redevelopment Authority  
One City Hall Square  
Boston, MA. 01

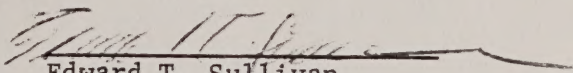
Subject: Mt. Vernon Street Church 121A Application

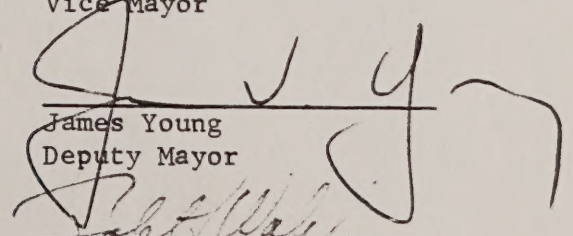
Dear Mr. Farrell:

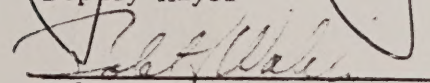
This letter is to confirm to the Authority that the Applicants for the captioned project have reached an agreement with the City of Boston as to the amounts which would be payable to the City by the said 121A Corporation for a period of 20 years.

The sum of the excise payable under Section 10 of Chapter 121A and the additional amounts so payable will be computed on the basis of 20% of the gross income including all payments made to the developer for utilities and services for the 20-year period. Within ten years after construction, or at such time as the total income from the project exceeds \$130,000.00, the project will pay 30% of such additional income until the total payment in lieu of taxes reaches 25% of the gross income. The details of this Agreement, which have been reached orally by representatives of the Applicants, and the newly created Mayor's Committee for the Evaluation of Tax Agreements for the City of Boston for 121A Corporations, will be reduced to a formal contract in the form required by Section 6A of Chapter 121A in the near future.

Very truly yours,

  
Edward T. Sullivan  
Vice Mayor

  
James Young  
Deputy Mayor

  
Robert F. Walsh  
Director - BRA



MEMORANDUM

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT F. WALSH, DIRECTOR

SUBJECT: MTV ASSOCIATES  
APPROVAL OF 121A REPORT AND DECISION  
WITH STATEMENT OF NO SIGNIFICANT ENVIRONMENTAL IMPACT.

On November 10, 1977, a public hearing was held for approval of the formation of MTV Associates pursuant to Massachusetts General Laws, Chapter 121A.

The applicants sought consent for the formation of a limited partnership under Chapter 121A which entity would rehabilitate the Mount Vernon Church and Parsonage. The parsonage would be converted to six apartment units and the church would be converted to retail and office uses with approximately 21,641 square feet of needed rental floor area. The estimated cost of construction for all phases is \$1,600,000.

As the Report and Decision indicates, the project will preserve the church building which has been vacant for approximately five years and the architectural feature of the structure will be preserved in the process of rehabilitation. Because of the period of time in which the church has not been used, the applicant has fulfilled the requirements of blight through testimony presented at the hearing. The Report and Decision grants all deviations requested from the Zoning Ordinance, but denies all building deviations as it is questionable as to whether or not the Authority has the power to grant the same.

The Authority has also made inquiry into the environmental impact of the project, pursuant to Massachusetts General Laws c. 30, § 61 - 62. The proposal for MTV Associates is found to be acceptable in accordance with said Environmental Chapter and Chapter 121A.

It is therefore appropriate at this time that the Authority adopt the attached Vote and Report and Decision.



VOTED:

that the document presented at this meeting entitled, "Report and Decision of the Application of MTV Associates for the Authorization and Approval of a Project under Massachusetts General Laws (Ter.Ed.) Chapter 121A, as Amended, and Chapter 652 of the Acts of 1960, to be Undertaken and Carried out by a Limited Partnership Formed under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership under said Chapter 121A," which also includes a determination by the Authority that said project has no significant environmental impact, be and hereby is approved and adopted.



CHAPTER 121A APPLICATION OF

MTV ASSOCIATES

FACT SHEET

BOARD ACTION: The Applicant has requested approval of the Authority for the formation of a Chapter 121A Limited Partnership for the purpose of rehabilitating the Mount Vernon Church and Parsonage, 490-492 Beacon Street, Boston.

APPLICANT: The Applicant is MTV Associates, a Limited Partnership organized in accordance with Chapter 109 of the General Laws of Massachusetts. The General Partner is John A. Sharratt.

PROJECT: The Project involves the rehabilitation of the Mount Vernon Church and parsonage. The parsonage will be converted to six apartment units, four three-bedroom and two two-bedroom units. The Church will be converted to retail and office uses, and will have 21,641 square feet of net rentable floor area.

The historical features of the structures will be preserved in the process of rehabilitation.

FINANCING: The estimated construction cost for all phases of the project is \$1,600,000. The Applicant will provide the required equity and the remaining capital requirements will be provided by institutional mortgage financing.

CONSTRUCTION  
START: At the time the application was filed the applicant estimated that construction would start on November 1, 1977, and would be completed May 1, 1978. Construction for Phase II was expected to start September 1, 1978, and be completed by January 1, 1979. A timetable for Phase III had not yet been established.